

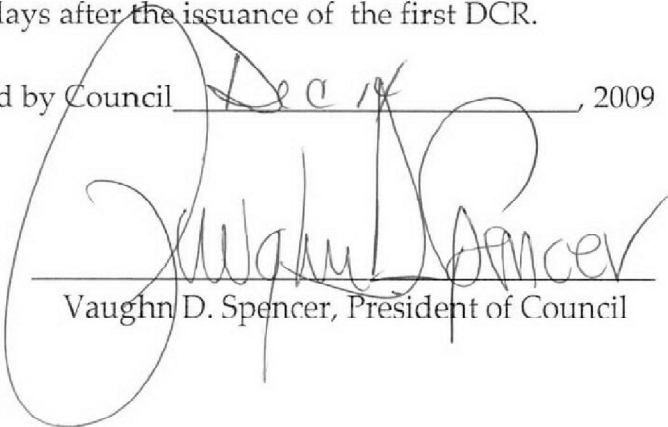
RESOLUTION NO. 133-2009

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES  
AS FOLLOWS:

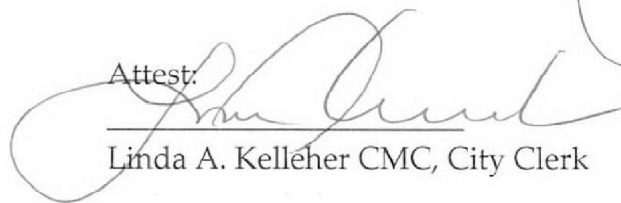
Approving the Conditional Use application for a Student Home zoning permit for 1524 Palm Street, owned by Mr. and Mrs. Thomas G. Mulvihill with the following conditions:

- The Student Home zoning permit will allow the Applicant's daughter Sarah and two (2) additional college students to reside at 1524 Palm Street, and
- The Student Home zoning permit shall expire on May 31, 2011, as requested by the Applicant at the Conditional Use Hearing, and
- To avoid disturbing the green space and ambience of the property the need for three (3) off street parking spaces shall be waived and the three (3) student residents of this property are hereby required to park their vehicles on the Albright Campus, and
- Upon the issuance of a Disruptive Conduct Report (DCR) by a City of Reading police officer or public officer, the Student Use zoning permit will be revoked within ten (10) days after the issuance of the first DCR.

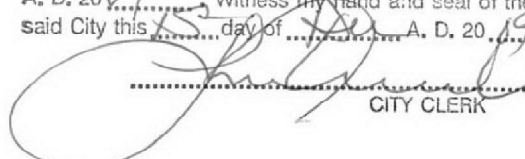
Adopted by Council Dec 14, 2009

  
Vaughn D. Spencer, President of Council

Attest:

  
Linda A. Kelleher CMC, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original resolution passed by the Council of the City of Reading, on the 14 day of Dec, A. D. 2009. Witness my hand and seal of the said City this 15 day of Dec, A. D. 2009.

  
CITY CLERK

**Conditional Use Application  
1524 Palm Street**

IN THE MATTER OF	§	BEFORE THE
	§	
MR. & MRS. THOMAS	§	CITY OF READING
MULVIHILL, OWNER OF	§	
	§	CITY COUNCIL
1524 PALM STREET	§	
READING, PA	§	
	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDER, AND AGREED RESOLUTION**

On Wednesday, October 28, 2009 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the Conditional Use application for a Student Home at 1524 Palm Street, owned by Mr. and Mrs. Thomas G. Mulvihill (Applicant).

**Findings of Fact**

1. The City of Reading Zoning Ordinance Section 27-1203 (9) defines the standards of Student Homes located within the R1 and R2 Zoning Districts and requires that City Council approve Student Homes by Conditional Use permit.
2. The City of Reading Zoning Ordinance Section 27-606 – Conditional Use allows City Council, as the governing body, to attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary.
3. The Applicant purchased 1524 Palm Street in May 2009 with the intent to use it for off campus housing for the Applicant's daughter Sarah, junior student at Albright College and two (2) of her friends who are also junior students at Albright College.
4. In mid-August the Zoning Enforcement Officer visited the property to investigate a complaint and informed Mr. Mulvihill about the Student Home requirements in R1 and R2 zoning districts.
5. The Applicant subsequently submitted the required Conditional Use form requesting a Student Home at 1524 Palm Street and appeared at the hearing held on Wednesday, October 28, 2009 and at the hearing requested that the Student

Home zoning permit for 1524 Palm Street be approved with a condition that the Student Home zoning permit would only exist until Sarah Mulvihill graduates from Albright in May 2011 and would make the permit expire on May 31, 2011.

6. The City Legal Specialist and the Court Reporter issued the oath to the Applicant, the Applicant's daughter Sarah Mulvihill, Zoning Administrator Jennifer Oehler, City Planner Andrew Miller and several people in the audience who registered to comment about the application.

7. The Applicant stated that he purchased the property in May 2009 to provide off campus housing for his daughter Sarah, a junior student at Albright College and two (2) of her friends also junior students at Albright College until they graduate in May 2011.

8. The Applicant stated that his realtor did not advise him about the Student Home zoning regulations. He also stated that he called Albright to inquire about off campus zoning regulations and was not advised about the zoning regulations. He stated that Albright instead advised him "to go for it."

9. The Applicant stated that in August he obtained a building permit to remove the unsecured garage door and replace it with siding and an entry door, similar to other properties in the neighborhood. He stated that the basement room was not intended for living quarters. He stated his intent to reinstall the garage door as the Student Home ordinance requires one off street parking space for each resident; therefore three (3) spaces are required.

10. The Applicant stated that 1524 Palm Street is not within 500 feet of a church, school building, group home, registered student home or housing for elderly or handicapped individuals and that he believes that the home complies with the regulations required by the Student Home section of the Zoning Ordinance.

11. The Applicant stated that he agrees to maintain the property up to City Code. He also stated that he applied for a housing permit, registered the tenants with Codes, applied for a business license and has a trash removal contract.

12. The Applicant stated that he instructed his daughter about the need to maintain the home and the need for all residents to be good neighbors.

13. The Applicant stated that he introduced himself to owners of neighboring properties and provided them with his contact information so they can reach out to him if there are any problems with the property or its tenants. He also stated that he explained to his daughter and her friends what their responsibilities are and advised them that if they cause problems they will be immediately evicted.

14. The Applicant stated that when his daughter graduates from Albright College in May 2011, he intends to sell the home if the housing market improves. However, if the market does not rebound he will rent the home as a single family property. He stated that he will not rent the property to college students.

15. The Applicant stated that he will agree to a time limit condition for the

Student Home Conditional Use zoning permit. He stated that he is requesting that the Student Home zoning permit be approved until May 2011.

16. The Zoning Administrator stated that there are no other registered Student Homes or Student Use zoning permits within 500 feet of 1524 Palm.

17. The City Planner expressed concern that the green space and ambience of the property would be disturbed if an additional off-street parking space was added to flank the existing driveway. He suggested that as the Applicant is only requesting the Student Home zoning permit until May 2011 that Council consider waiving the addition of a third off-street parking space.

### **Conclusions of Law**

The City of Reading Zoning Ordinance Section 27-1203 (9) defines the standards of Student Homes located within the R1 and R2 Zoning Districts and requires that City Council approve Student Homes by Conditional Use permit. Zoning Ordinance Section 27-1203 (9) requires one (1) offstreet parking space per resident and requires that the Applicant submit documents that indicate that all plumbing, heating, electrical equipment and facilities are adequate and appropriate for the proposed use. Zoning Ordinance Section 27-1203 (9) stated that there can be no more than one (1) Student Home every 500 feet and that Student Homes cannot be located within 500 feet of a church, school building, group home, registered student home or housing for elderly or handicapped individuals.

The City of Reading Zoning Ordinance Section 27-606 – Conditional Use allows City Council, as the governing body, to attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary.

### **Order and Agreed Resolution**

1. The Applicant supplied all necessary documentation and applications required, and
2. The Applicant testified that the residents of 1524 Palm Street will be limited to the Applicant's daughter Sarah, junior student at Albright College and her two (2) friends who are also junior students at Albright, and
3. The Applicant requested that the length of the Student Home zoning permit expire on May 31, 2011.

Therefore the Council of the City of Reading approves the Student Home zoning

permit for 1524 Palm Street with the additional conditions as follows:

- The Student Home zoning permit will allow the Applicant's daughter Sarah and two (2) additional Albright students to reside at 1524 Palm Street, and
- The Student Home zoning permit shall expire on May 31, 2011, as requested by the Applicant at the Conditional Use Hearing, and
- To avoid disturbing the green space and ambience of the property the need for three (3) off street parking spaces shall be waived and the three (3) student residents of this property are hereby required to park their vehicles on the Albright Campus.
- Upon the issuance of a Disruptive Conduct Report (DCR) by the City of Reading Police Department, the Student Home zoning permit will be revoked within ten (10) days after the issuance of the first DCR.

#### **Right to Appeal**

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.